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REMARKS:

These remarks are in response to the non-final Office Action mailed 05/03/06, in which claims 1, 5-12, 20 and 24-34 are pending. Claims 1, 5-8, 10-12, 20 and 24-34 stand rejected. Claim 9 is objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicant gratefully acknowledges the Examiner's indication of the potential allowability of claim 9. However, in light of the amendments and arguments presented herein, the Applicants believe that all of the claims of the present application are allowable.

In a telephone conference on July 31, 2006 between Wayne Grohs of this office and the Examiner, it was determined that the first reference to "Bond" in the sentence "[i]t would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Bond's blade assembly and pivot assembly by providing the first biasing means as taught by Bond..." should be "Terry."

In the present Response, independent claim 1 has been amended to add the recitation that the shaving system of the present invention includes "a pivot assembly coupled to said pivot frame for pivotal movement relative to said pivot frame" and "a blade assembly coupled to said pivot assembly for pivotal movement between first and second positions relative to said pivot assembly." Support for this amendment can be found in at least paragraph [0029] of the specification and claim 1 of the instant application as filed and no new matter was added. In the response dated January 27, 2006 to the non-final rejection dated July 28, 2005, claim 1 was amended to replace the phrase --pivotally coupled-- with "coupled." The January 27, 2006 amendment was made solely to address a section 112 objection by the Examiner. The present amendment was made in order that the Applicant can distinctly point out subject matter which he regards as his invention.

Independent claim 24 has been amended to add the recitation of now-cancelled claim 25 that the shaving system of the present invention includes "a pivot assembly supporting said blade assembly for pivotal movement." Claim 25 has been cancelled and no new matter was added.

The Examiner rejected claims 1, 5-8, 20, 24-33 and 34 under 35 USC 103(a) as being allegedly unpatentable over Terry et al. (US Patent number 3,935,639, hereinafter referred to

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as the “’639 patent”) in view of Bond (US Patent number 4,514,904, hereinafter referred to as the “’904 patent”).

In making the rejection the Examiner concedes that the ‘639 patent does not show a blade assembly pivotally coupled to a pivot assembly. However, the Examiner alleges that the ‘904 patent teaches the use of a first biasing means 18 and goes on to allege that it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified (the ‘639 patent’s) blade assembly and pivot assembly by providing the first biasing means as taught by (the ‘904 patent).

At least a portion of the subject matter that the Applicant regards as his invention resides in the shaving system of present invention that includes a blade assembly (or cartridge), a pivot assembly, and a pivot frame. The blade assembly is pivotally coupled to the pivot assembly and the pivot assembly is pivotally coupled to the pivot frame. Thus the blade assembly of the present invention has two degrees of freedom in a pivotal manner relative to the pivot frame. In the present application, claims 1, 20, 24 and 29 are independent. These claims recite, in pertinent part:

(Claim 1) “A shaving system, comprising: a) a pivot frame; b) a pivot assembly coupled to said pivot frame for pivotal movement relative to said pivot frame about a system axis spaced from said pivot frame and said pivot assembly; c) a blade assembly coupled to said pivot assembly for pivotal movement between first and second positions relative to said pivot assembly.”

(Claim 20) “A triple blade shaving system, comprising: a) a pivot frame; b) a pivot assembly coupled to said pivot frame; c) a blade assembly coupled to said pivot assembly.....wherein said blade assembly... pivots relative to said pivot assembly between a first position and a second position; and (1) when in said first position pivotal movement of said pivot assembly relative to said pivot frame in response to shaving force applied to said blade assembly causes pivotal movement of said blade assembly about a center axis of said blades, substantially on said shave plane; and (2) when in said second position, pivotal movement of said pivot assembly relative to said pivot frame in response to shaving force applied to said blade assembly causes pivotal movement of said blade assembly substantially on said shave plane and about a guard-bar axis of said blade assembly.

(Claim 24) “A shaving system comprising; a blade assembly; a pivot assembly

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supporting said blade assembly for pivotal movement between first and second positions; and a pivot frame supporting said pivot assembly for pivotal movement.”

(Claim 29) “A shaving system comprising: a pivot assembly; a pivot frame supporting said pivot assembly for limited pivotal movement about a virtual axis spaced from said pivot frame and said pivot assembly; a blade assembly..... said blade assembly being supported on said pivot assembly for pivotal movement.”

The ‘639 patent discloses a blade assembly or shaving unit 12 non-pivotally mounted on support structure 16. The support structure comprises rails 18 that engage mating recesses of the blade assembly. The support structure, with the blade assembly non-pivotally mounted thereto, is permitted to move relative to the grip portion 14 of the handle 10 about axis 26. Leaf spring 62 is anchored at one end to the grip portion and is engaged at its second, free, end within recess 66 of the support structure. The leaf spring serves to bias the support structure with the blade assembly mounted thereto towards a medial position of its permitted pivotal movement and acts to continuously impose a light restoring force that tends to return the support structure to its medial position when it is offset therefrom. Thus in each and every embodiment of the ‘639 patent the blade assembly has only one degree of freedom in a pivotal manner relative to the pivot frame and the Applicant contends the ‘639 patent fails to disclose, teach or suggest the recitations of claims 1, 20, 24 and 29 stated above. Furthermore, each and every embodiment of the ‘639 patent has only a single biasing means and not first and second biasing means recited in claims 1 and 20 of the present application.

The ‘904 patent discloses a razor handle for a removable pivoting razor blade assembly. The razor of the ‘904 patent has first and second movable members 15, 16 each terminating in outwardly facing journals 33, 34. The razor blade assembly of the ‘904 patent has journal bearing means 75, 76. In use, journals 33, 34 of the razor of the ‘904 patent engage journal bearing means 75, 76 of the razor blade assembly to couple the razor blade assembly to the razor and permit pivoting of the razor blade assembly relative to the handle. The ‘904 patent fails to disclose an axis of pivoting but one of skill in the art would recognize the device of the ‘904 patent to have a single axis of pivoting located generally centrally through both journals 33, 34. Thus in each and every embodiment of the ‘904 patent the blade assembly has only one degree of freedom in a pivotal manner relative to the razor and the ‘904 patent fails to disclose, teach or suggest the recitations of claims 1, 20, 24 and 29 stated

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above. The '904 patent goes on to disclose a cam follower member 17 and cam follower spring 18. The cam follower member has a free end 45 that engages cam means 46 of the razor blade assembly to provide biasing for the razor blade assembly. Thus, each and every embodiment of the '904 patent has only a single biasing means and not first and second biasing means recited in claims 1 and 20 of the present application.

In making the rejection the Examiner went on to allege that the '639 patent discloses a blade assembly having three blades (see col. 3, lines 30-34). The Applicant disagrees with this statement. At column 3, lines 30-34, the '639 patent states "[a] variety of types of blade units may be secured to the handle component, including for example the several types of blade units shown in the above-mentioned Perry patent." The Perry patent (US Patent number 3,768,162) discloses only a blade assembly having a single blade (see Fig. 5 therein); two blades facing in a common direction (see Fig. 4) and two blades facing in opposed directions (see Fig. 29). The Applicant contends there is no disclosure, teaching or suggestion in either the '639 or Perry patents for a blade assembly having three blades.

In making the rejection the Examiner went on to further allege that "the combination of (the '639 patent) and (the '904 patent) teaches the system axis coaxially aligned with one part of the blade assembly (see Fig. 2 of the '639 patent) and coaxially aligned with another part of the blade assembly (see Fig. 3 of the '904 patent)." The Applicant disagrees with this statement. As stated above, the Applicant contends that both the '639 and '904 patents each disclose a single degree of pivotal freedom for the blade assembly about a single axis. The '639 and '904 patents both lack any disclosure or suggestion for the device of either patent to include a second degree of pivotal freedom for the blade assembly. The Applicant contends that the disclosure of only a single biasing means in each of the '639 and '904 patents confirms that both patents are directed to devices having only a single degree of pivotal freedom for the blade assembly and there is no motivation in either patent to adopt a second degree of pivotal freedom for the blade assembly of each. This is not what is claimed in claims 1, 20, 24 and 29 of the present application which recite in pertinent part:

(Claim 1) "said system axis being generally coaxially aligned with one part of said blade assembly when said blade assembly is in its first position and generally coaxially aligned with another part of said blade assembly when said blade assembly is in said second position."

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(Claim 20) “(1) when in said first position pivotal movement of said pivot assembly relative to said pivot frame in response to shaving force applied to said blade assembly causes pivotal movement of said blade assembly about a center axis of said blades, substantially on said shave plane; and (2) when in said second position, pivotal movement of said pivot assembly relative to said pivot frame in response to shaving force applied to said blade assembly causes pivotal movement of said blade assembly substantially on said shave plane and about a guard-bar axis of said blade assembly.”

(Claim 24) “a pivot frame supporting said pivot assembly for pivotal movement about a virtual pivot axis substantially coincident with one part of said blade assembly when said blade assembly is in said first position and substantially coincident with another part of said blade assembly when said blade assembly is in said second position.”

(Claim 29) “said blade assembly having one part thereof coaxially aligned with said virtual axis when said blade assembly is in said first position and another part thereof coaxially aligned with said virtual axis when said blade assembly is in said second position.”

The Applicants therefore contend that the ‘639 and ‘904 patents alone or in combination fail to teach or suggest independent claims 1, 20, 24, and 29 of the present invention and it is respectfully submitted that claims 1, 20, 24 and 29 are allowable over these references.

Dependent claims, by definition, further define the subject matter of the independent claims from which they depend. Because claims 5-8 depend from claim 1, claims 26-28 depend from claim 24 and claims 30-34 depend from claim 29, these claims add recitations that further define the subject matter of independent claims 1, 24 and 29. As claims 1, 24 and 29 are believed to be allowable, claims 5-8, 26-28 and 30-34 are therefore also believed to be allowable. The rejection of claim 25 is moot in light of the cancellation of this claim. The Applicants therefore respectfully requested the Examiner to reconsider and withdraw the rejection of claims 1, 5-8, 20, 24, 26-33 and 34 under 35 U.S.C. 103 (a) as being anticipated by the ‘639 and ‘904 patents.

The Examiner rejected claims 10-12 under 35 USC 103(a) as being allegedly unpatentable over the ‘639 patent in view of the ‘904 patent as applied to claim 1 above, and further in view of Andrews (US Patent number 6,161,288, hereinafter referred to as the “‘288 patent”).

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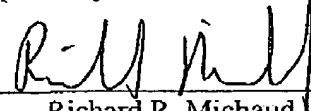
In the present application claims 10-12 depend directly or indirectly from claim 1. For at least the same reasons as stated above the Applicant contends that claim 1 is allowable over the '639 and '904 patents. The '288 patent is directed to a bi-directional razor device having flexible guards along both outer longitudinal edges. Some embodiments of the '288 patent disclose a single degree of pivotal freedom of the blade assembly relative to the handle and a single biasing means. The Applicant contends that the '288 patent fails to correct the deficiencies of the '639 and '904 patents. The Applicants therefore contend that the '639, '904 and '288 patents alone or in combination fail to teach or suggest claims 10-12 of the present invention and it is respectfully submitted that claims 10-12 are allowable over these references. The Applicants therefore respectfully requested the Examiner to reconsider and withdraw the rejection of claims 10-12 under 35 U.S.C. 103 (a) as being anticipated by the '639, '904 and '288 patents.

SUMMARY:

In summary, the Applicants believe that the foregoing remarks are fully responsive to the Office Action and that the amended claims herein are allowable. The Applicants therefore respectfully request that the rejection be withdrawn and the present application be passed onto allowance.

The Applicants believe that no additional fees are due with the filing of the present response, however, if any additional fees are due, please charge Deposit Account Deposit Account No 503342 maintained by the Attorneys of the Applicant.

Respectfully submitted,

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